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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,504	02/12/2001	Magnus Nilsson	003300-743	7099

7590 01/12/2005

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EXAMINER
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MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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JAN 12 2005

**GROUP 1**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/780,504  
Filing Date: February 12, 2001  
Appellant(s): NILSSON, MAGNUS

\_\_\_\_\_  
William Hughet  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed November 1, 2004.

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**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims s 1-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(9) Prior Art of Record**

2001/0027420

BOUBLIK et al.

10-2001

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. US 2001/0027420 A1 (Boublik et al.). Please refer to the Final Rejection (3/2/04) for a detailed analysis of the rejection.

**(11) Response to Argument**

On page 4, first full paragraph (arguments continued through 2nd paragraph of page 5), Appellant argues that Boublik is “completely and expressly silent regarding any banks, banking applications, or banking transactions whatsoever.” As related to claim 1, Appellant argues that Boublik fails to disclose any data in a banking service application being subsequently used an accounting information in an account service application. Appellant’s statements prove that Appellant has not fully reviewed Boublik, because Figure 9 of Boublik discloses a “Banking Partner” in the high level architecture of the invention. Therefore, Boublik is not silent with regard to banks, banking applications, or banking transactions. It is Appellant’s position that Boublik fails to disclose a banking service application as required in claim 1. However, Appellant has failed to provide an express definition for the term “banking service application”. Appellant’s citation of the paragraph bridging pages 5-6 is merely exemplary in nature. On page 6, lines 2-4, Appellant discloses that “The banking service application could preferably provide usual banking services such as payments, money transfers, etc.” “Absent an express definition in their specification, the fact that appellants can point to definitions or usages that conform to

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their interpretation does not make the PTO's definition unreasonable when the PTO can point to other sources that support its interpretation." *Morris*, 127 F.3d at 1056, 44 USPQ2d at 1029. The Examiner relies upon a dictionary definition. *Merriam Webster's Collegiate Dictionary*, tenth edition defines "bank" as an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds (see Advisory Action on 8/5/04).

Boublik discloses a server that includes applications to 1.) collect relevant online procurement transaction information and 2.) converts the information to an accounting-package (see at least paragraph 0032). Using the Examiner's dictionary definition, Boublik's application for collecting relevant online procurement transaction information is analogous to Appellant's banking service application because Boublik's application at least exchanges money and facilitates the transmission of funds via the "Banking Partners" of Figure 9. As required by the claim 1, Boublik then takes the transaction information via the account service application for updating the book-keeping database (see at least paragraphs 0032, 0058 and 0060).

On pages 5-8, Appellant repeats similar arguments for claim 9 as previously argued for claim 1. The Examiner maintains the same responses (as set forth above for claim 1) to Appellant's arguments related to claim 9.

On page 8, second full paragraph, Appellant argues that certain features of claims 5 and 12 are not anticipated by Boublik. More specifically, Appellant argues that Boublik fail to disclose account data comprising information of value added tax related to transaction. Value added tax is basically a supply chain tax that is imposed on each stage of the production process.

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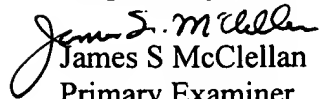
The sales tax of a transaction is the portion of the value-added tax at the retail level of the supply chain. Therefore, Boublik at least broadly discloses value-add tax data related to the transaction.

In conclusion, Boublik anticipates every limitation of claims 1-20 but at certain instances merely uses terminology that is different from Appellant's claims. The fact that Boublik fails to include the term "banking service application" does not preclude Boublik's system from meeting all the claim limitations. As set forth above, Boublik's transaction processing system uses Banking Partner's (see Figure 9) to collect transaction data which is then updated in a book-keeping database. It is noted that Appellant is attempting to overcome Boublik using the argument that Boublik fails to disclose a "banking service application", but Appellant has failed to expressly define banking service application. The only type of transaction Appellant requires in the claims is a "payment" (see claim 2), which is clearly anticipated by Boublik's online procurement transaction processing system. Finally, it is noted that Appellant's chief argument is that Boublik is "completely and expressly silent regarding any banks, banking applications, or banking transactions whatsoever." As set forth, Boublik discloses "Banking Partners" in the high-level architecture of the system in Figure 9.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,


  
James S McClellan  
Primary Examiner  
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jsm

January 7, 2005

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